

BEFORE THE  
CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

LOURDES PRIMNE DELMO  
3151 Soaring Gulls Drive, #2149  
Las Vegas, NV 89128

Case No. AL-2004-80

OAH No. L-2007050297

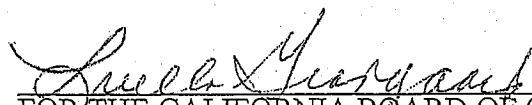
Respondent.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the California Board of Occupational Therapy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on initial date of licensure

It is so ORDERED August 2, 2007.

  
FOR THE CALIFORNIA BOARD OF OCCUPATIONAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS

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of the State of California  
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7 Attorneys for Complainant

8 **BEFORE THE**  
9 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues Against:

13 LOURDES PRIMNE DELMO  
3151 Soaring Gulls Drive, #2149  
Las Vegas, NV 89128

14 Respondent.

Case No. AL-2004-80

OAH No. L-2007050297

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
16 above-entitled proceedings that the following matters are true:

17 PARTIES

18 1. Heather Martin (Complainant) is the Executive Officer of the California  
19 Board of Occupational Therapy. She brought this action solely in her official capacity and is  
20 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
21 by Shawn P. Cook, Deputy Attorney General.

22 2. Respondent Lourdes Primne Delmo (Respondent) is representing herself  
23 in this proceeding and has chosen not to exercise her right to be represented by counsel.

24 3. On or about January 29, 2005, Respondent filed an application dated  
25 January 29, 2005, with the California Board of Occupational Therapy to obtain Licensure as an  
26 Occupational Therapist.

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JURISDICTION

4. Statement of Issues No. AL-2004-80 was filed before the California Board of Occupational Therapy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on August 24, 2006. Respondent timely filed her Notice of Defense contesting the Statement of Issues. A copy of Statement of Issues No. AL-2004-80 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. AL-2004-80. Respondent has also carefully read, and fully understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. AL-2004-80.

9. Respondent agrees that her Application for Licensure is subject to denial and she agrees to be bound by the California Board of Occupational Therapy (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

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CONTINGENCY

10. This stipulation shall be subject to approval by the California Board of Occupational Therapy. Respondent understands and agrees that counsel for Complainant and the staff of the California Board of Occupational Therapy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

OTHER MATTERS

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

DISCIPLINARY ORDER

In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

IT IS HEREBY ORDERED that Respondent Lourdes Primne Delmo is issued an Occupational Therapist License that is automatically revoked. The revocation will be stayed and the Respondent placed on four (4) years probation on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws and regulations governing the practice of occupational therapy in California. Respondent shall submit, in writing, a full detailed account of any and all violations of the law to the Board within five (5) days of occurrence.

2. **Compliance with Probation and Quarterly Reporting.** Respondent shall fully comply with the terms and conditions of probation established by the Board and shall

1 cooperate with representatives of the Board in its monitoring and investigation of the  
2 respondent's compliance with probation. Respondent, within ten (10) days of completion of the  
3 quarter, shall submit quarterly written reports to the Board on a Quarterly Report of Compliance  
4 form obtained from the Board.

5           3.     **Personal Appearances.** Upon reasonable notice by the Board, respondent  
6 shall report to and make personal appearances at times and locations as the Board may direct.

7           4.     **Notification of Address and Telephone Number Change(s).**  
8 Respondent shall notify the Board, in writing, within five (5) days of a change of residence or  
9 mailing address, of her new address and any change in work and/or home telephone numbers.

10           5.     **Tolling for Out-of-State Practice, Residence or In-State Non-Practice.**  
11 In the event respondent should leave California to reside or to practice outside the State for more  
12 than thirty (30) days, respondent shall notify the Board or its designee in writing within ten (10)  
13 days of the dates of departure and return. All provisions of probation other than the quarterly  
14 report requirements, examination requirements, and education requirements, shall be held in  
15 abeyance until respondent resumes practice in California. All provisions of probation shall  
16 recommence on the effective date of resumption of practice in California. **Exception:**  
17 Respondent is currently providing services as an occupational therapist at Health South  
18 Rehabilitation Hospital in Las Vegas, Nevada ("Health South") and is contracted to do so to  
19 2010. Respondent's probation shall not be tolled while she works as an occupational therapist at  
20 Health South. Should Respondent cease working at Health South for any reason, her probation  
21 shall be tolled unless she resides and practices in California.

22           6.     **Notification to Employer(s).** When currently employed or applying for  
23 employment in any capacity in any health care profession, Respondent shall notify her employer  
24 of the probationary status of respondent's license. This notification to the current employer shall  
25 occur no later than the effective date of the Decision. Respondent shall notify any prospective  
26 health care employer of her probationary status with the Board prior to accepting such

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1 employment. This notification shall be made by providing the employer or prospective employer  
2 with a copy of the Board's Accusation and Stipulated Settlement and Disciplinary Decision and  
3 Order.

4 Respondent shall cause each health care employer to submit quarterly reports to  
5 the Board. The reports shall be on a form provided by the Board, shall include a performance  
6 evaluation and such other information as may be required by the Board.

7 Respondent shall notify the Board, in writing, within five (5) days of any change  
8 in employment status. Respondent shall notify the Board, in writing, within five (5) days if she is  
9 terminated from any occupational therapy or health care related employment with a full  
10 explanation of the circumstances surrounding the termination.

11 7. **Employment Requirements and Limitations.** During probation,  
12 respondent shall work in her licensed capacity in the State of California. This practice shall  
13 consist of no less than (6) continuous months and of no less than twenty (20) hours per week.

14 While on probation, respondent shall not work for a registry or in any private duty  
15 position, except as approved, in writing, by the Board. Respondent shall work only on a  
16 regularly assigned, identified, and pre-determined work site(s) and shall not work in a float  
17 capacity except as approved, in writing, by the Board.

18 8. **Supervision Requirements.** Respondent shall obtain prior approval from  
19 the Board, before commencing any employment, regarding the level of supervision provided to  
20 the respondent while employed as an occupational therapist or occupational therapy assistant.

21 Respondent shall not function as a supervisor during the period of probation  
22 except as approved, in writing, by the Board.

23 9. **Continuing Education Requirements.** Respondent shall complete  
24 continuing education directly relevant to the violation as specified by the Board. Continuing  
25 education shall be completed within a period of time designated by the Board, which time frame  
26 shall be incorporated as a condition of this probation.

27 Continuing education shall be in addition to the professional development  
28 activities required for license renewal. The Board shall notify respondent of the course content.

1 and number of contact hours required. Within thirty (30) days of the Board's written notification  
2 of the assigned course work, respondent shall submit a written plan to comply with this  
3 requirement. The Board shall approve such plan prior to enrollment in any course of study.

4 Failure to satisfactorily complete the required continuing education as scheduled  
5 or failure to complete same no later than 100 days prior to the termination of probation shall  
6 constitute a violation of probation. Respondent is responsible for all costs of such continuing  
7 education. Upon successful completion of the course(s), respondent shall cause the instructor to  
8 furnish proof to the Board within thirty (30) days of course completion.

9 10. **Maintenance of Valid License.** Respondent shall, at all times while on  
10 probation, maintain an active current license with the Board, including any period during which  
11 license is suspended or probation is tolled.

12 11. **Violation of Probation.** If respondent violates probation in any respect,  
13 the Board, after giving respondent notice and opportunity to be heard, may revoke probation and  
14 carry out the disciplinary order which was stayed. If an accusation or a petition to revoke  
15 probation is filed against respondent during probation, the Board shall have continuing  
16 jurisdiction until the matter is final, and the period of probation shall be extended until the matter  
17 is final.

18 12. **Completion of Probation.** Upon successful completion of probation,  
19 respondent's license will be fully restored.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Application for Licensure. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Board of Occupational Therapy.

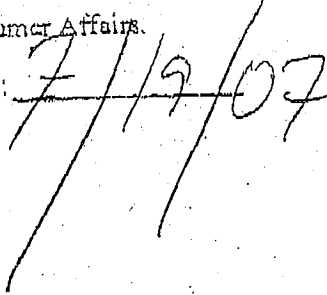
DATED: 07/19/07

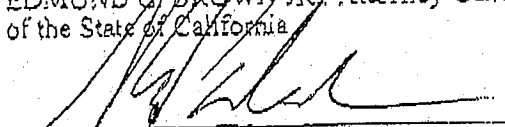
  
LOURDES PRIMNE DELMO (Respondent)  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Board of Occupational Therapy of the Department of Consumer Affairs.

DATED: 7/19/07

  
EDMUND G. BROWN JR., Attorney General  
of the State of California

  
SHAWN P. COOK  
Deputy Attorney General

Attorneys for Complainant

DOJ Mailer ID: LA2005661329: 60232373.wpd